

BURNS DOANE
BURNS DOANE SWECKER & MATHIS LLP
ATTORNEYS AT LAW

ALEXANDRIA, VIRGINIA
REDWOOD SHORES, CALIFORNIA
DURHAM, NORTH CAROLINA

REPLY TO:
P.O. Box 1404
Alexandria, Virginia 22313-1404

TELEPHONE: +1.703.836.6620

FACSIMILE: +1.703.836.2021 (Group 3)
+1.703.836.0028 (Group 4)

DATE: Tuesday, November 4, 2003

RECIPIENT INFORMATION	SENDER INFORMATION
To: Examiner ASHWIN D. MEHTA	From: Erin M. Dunston
Voice Tel. No.: 703-306-4540	Voice Tel. No.: 703-838-6526
Fax Tel. No.: 703-746-7413	Sent By: Laura Bell
Your Ref.: 09/971,020	Our Ref.: 026350-068
	Total Pages (Incl. Cover Page): 3

RE: PROPOSED AMENDMENTS FOR DISCUSSION PURPOSES ONLY
(FOR INTERVIEW TODAY AT 2 PM)

MESSAGE:

NOTE: The information contained in this facsimile message is attorney-client privileged and contains confidential information intended only for the use of the person(s) named above and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it.

Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

Received from <703 836 2021> at 11/4/03 9:32:07 AM [Eastern Standard Time]

(BDSM 05/01)

DRAFT**PROPOSED AMENDMENTS**

f r

USSN 09/971,020

Attorney Docket No. 026350-068

**FOR DISCUSSION PURPOSES ONLY
NOT FOR ENTRY INTO THE RECORD**

18. (Allowed) An isolated gene encoding a polypeptide consisting of the amino acid sequence defined by amino acids 1-378 of SEQ ID NO:1.
19. (Proposed Amendment) An isolated gene encoding a polypeptide consisting of an amino acid sequence exhibiting at least [90%] 99% identity with the amino acid sequence defined by amino acids 1-378 of SEQ ID NO:1, wherein said polypeptide has the activity to biosynthesize theobromine using 7-methylxanthine as the substrate.
20. (Allowed) An isolated gene consisting of the nucleotide sequence defined by nucleotides 1-1298 of SEQ ID NO:2.
21. (Proposed Amendment) An isolated gene consisting of a nucleotide sequence exhibiting at least [90%] 99% identity with the nucleotide sequence defined by nucleotides 1-1298 of SEQ ID NO:2, wherein said isolated gene encodes a polypeptide having the activity to biosynthesize theobromine using 7-methylxanthine as the substrate.
22. (Proposed Amendment) A transformed plant wherein expression of the gene according to any one of Claims 18 to 20 is decreased in the plant to inhibit biosynthesis of theobromine, and wherein said expression is decreased using antisense, co-suppression, or RNA interference technology.
23. (Review) The transformed plant according to Claim 22, wherein antisense gene method is utilized to inhibit biosynthesis of theobromine.
24. The transformed plant according to Claim 22, wherein said plant is selected from the group consisting of *Coffea arabica*, *Coffea canephora*, *Coffea liberica* and *Coffea dewevrei*.
25. A seed obtained from the transformed plant according to claim 22.
26. A seed obtained from the transformed plant according to claim 23.
27. A seed obtained from the transformed plant according to claim 24.

PROPOSED AMENDMENTS**for****USSN 09/971,020****Attorney Docket No. 026350-068**

FOR DISCUSSION PURPOSES ONLY**NOT FOR ENTRY INTO THE RECORD**

30. A seed obtained from the transformed plant according to claim 28.
32. (Proposed Amendment) A method for production of a transformed plant in which biosynthesis of theobromine is inhibited in the plant by decreasing expression of the gene according to Claims 18 or 20, and wherein said expression is decreased using antisense, co-suppression, or RNA interference technology.
33. (Objected To - Review) The method according to Claim 32, wherein antisense gene method is utilized to inhibit biosynthesis of theobromine.

ANCILLARY ISSUES:

Revised Sequence Listing

Figures

Publications